

35 U.S.C. 102(e), (f) and (g) in light of their obligations under 37 C.F.R. 1.56 and do hereby assert that the '562 patent to Scherer is not prior art against the claimed inventions of claims 7-9. Applicants have rewritten claims 7 and 8 into independent form to put them in condition for allowance. Consequently, Applicants request reconsideration and allowance of claims 7-9.

As a general comment, the Examiner rejected the other pending claims 1-6, 10-11 as anticipated by Bjornberg. However, the Examiner noted in conjunction with claims 7-9 that Bjornberg "fails to disclose detecting dialed Number, passing and answer the call steps." Consequently, Bjornberg fails to appreciate the efficiencies of the switch detecting such call destination information prior to answering and passing on the call. Furthermore, Bjornberg would fail to appreciate that passing the detected call destination information out of band to the IVR via a server speeds assignment and access to the appropriate application. Applicants have amended the remaining pending claims to clarify this advantage over the one cited reference of Bjornberg.

Turning to independent claim 1, the claim as amended recites in part a system for call processing that includes a telephone call receiving switch that is configured prior to answer a call to detect and pass out of band call destination information. The claim further recites a server computer in electronic communication with both the switch and IVR for forwarding the out-of-band call destination information. Thereby a port sharing data interface processing program in operation with the IVR is enabled to perform a script on a plurality of ports of the IVR.

The Examiner rejected claim 1 as anticipated by Bjornberg. For the reasons given above, the claim as amended is not anticipated by Bjornberg. Moreover, insofar as Bjornberg fails to teach or suggest the advantages of out-of-band communication of call destination information to the IVR, there is no suggestion or motivation in the cited references for adding such a capability. Thus, claim 1 is patentable over the cited references. Reconsideration and allowance is respectfully requested for claim 1, as well as claims 2-4, and 12 that depend therefrom. With particular reference to claim 12, the claim adds in apparatus form an additional limitation directed to the allowable subject matter of claim 7.

Turning to independent claim 5, the claim as amended recites in part a plurality of switches and a plurality of servers as described above for claim 1, and for at least these reasons should be allowed over the cited references.

Turning to independent method claim, the claim as amended recites in part, in response to receiving a call at the PBX, passing call destination information out of band to the IVR. This enables the identification of an application associated with the call destination information while answering the call and sending the call to an IVR port. For the reasons given above, reconsideration and allowance of claim 6 as amended is respectfully requested.

Turning to independent claim 10, the claim is directed to system for call process and as amended recites a switch, server and IVR as described above in conjunction with claim 1. In addition, the claim recites a table that contains the plurality of call destination records associated with a plurality of applications. For at least the reasons given above for claim 1, reconsideration and allowance of claim 10 is respectfully requested, as well as for claim 11 that depends therefrom.

CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are now in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative, David Franklin at (512) 651-6856 or dfranklin@fbtlaw.com.

The Assistant Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to The Assistant Commissioner for Patents, Washington, D.C. 20231, on
<u>February 5, 2013</u>
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Appendix A

Marked Version Showing Changes Made

Claims 1, 5, 6, 7, 8 and 10 are amended as follows:

1. (Amended) A system for call processing, comprising:

- a telephone call receiving switch configured prior to answering a call to detect and pass out of band call destination information;
- an IVR adapted to perform an audio script, said IVR in electronic communication with said switch;
- a server computer in electronic communication with said telephone call receiving switch for receiving the out-of-band call destination information and said IVR for forwarding the out-of-band call destination information to said IVR;
- a network structure in electronic communication with said IVR and said server; and
- a port sharing data interface processing (DIP) program in operation with said IVR, said program adapted to enable said script to be performed on multiple ports of said IVR.

5. (Twice Amended) A system comprising:

- a plurality of telephone call receiving switches, each configured prior to answering a call to detect and pass out of band call destination information;
- a plurality of multiple port IVR's adapted to play a plurality of scripts, in electronic communication with said switches;
- at least one server computer in electronic communication with said plurality of telephone receiving switches for receiving the out-of-band call destination information and in electronic communication with said IVR's, said at least one server configured to associate one of said plurality of scripts to the out-of-band call destination information;
- a network structure facilitating electronic communication between said IVR's and said switches and said at least one server; and

a port sharing data interface processing program in operation with IVR's, whereby each port of each IVR is monitored to determine its availability to receive a call, to request call destination information from said server via said network structure and play at least one of said scripts to a caller.

6. (Amended) A method of handling a plurality of telephone call received at a private branch switch (PBX) to efficiently use a plurality of ports of an interactive voice response (IVR) to provide a selected one of a plurality of application, the method comprising:

in response to receiving a call at the PBX, passing call destination information out of band to the IVR;

identifying an application associated with the call destination information;

assigning the call to a selected one of the plurality of ports of the IVR; and

in response to receiving the call at the IVR thereto, executing the identified application at the selected port.

7. (Amended) A method of handling a plurality of telephone call received at a private branch switch (PBX) to efficiently use a plurality of ports of an interactive voice response (IVR) to provide a selected one of a plurality of application, [The] the method [of claim 6, wherein] comprising:

in response to receiving a call at the PBX, passing call destination information to the IVR

[further comprises:] by detecting Dialed Number Identification Service (DNIS)

and Automatic Number Identification (ANI) associated with the call[;], passing

the DNIS and ANI out of band to the IVR[;], and answering the call at the PBX;

identifying an application associated with the call destination information;

assigning the call to a selected one of the plurality of ports of the IVR; and

in response to thereto, executing the application at the selected port.

8. (Amended) A method of handling a plurality of telephone call received at a private branch switch (PBX) to efficiently use a plurality of ports of an interactive voice response (IVR) to provide a selected one of a plurality of application, the [The] method [of claim 6] comprising:
in response to receiving a call at the PBX, passing call destination information to the
IVR;

[wherein] identifying an application associated with the call destination information [;]
by associating each of a plurality of call destinations to a one of a plurality of
applications[;], storing the associations[;], and in response to receiving the call
destination information, looking up the call destination in the stored association;
assigning the call to a selected one of the plurality of ports of the IVR; and
in response to thereto, executing the application at the selected port.

10. (Amended) A system for call processing, comprising:

a telephone call receiving switch configured to detect call destination information of an
incoming call, [and] to assign the incoming call to a selected one of a plurality of
channels, to pass the call destination information out of band to the selected
channel, and to answer the incoming call;

a table containing a plurality of call destination records associated with a plurality of
applications;

a server apparatus in data communication with said switch and said telephone call
receiving switch and responsive to the out of band call destination information to
identify an associated application with reference to the table and to a call
identifier to the incoming call;

an IVR that includes a port in telephony communication with the selected channel and in
data communication with the server, the IVR including a port sharing data
interface processing program responsive to the detected call destination
information and incoming call reaching said port to access said associated
program to perform on the selected port.

Claim 12 is added.